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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8
9 JAMES D. SMITH,

10 Plaintiff, No. C 12-02463 JSW

11 v.

12 OFFICE OF THE ATTORNEY GENERAL, ET AL.,

AMENDED ORDER

13 Defendants.

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16 Due to the multiple amended complaints filed in this matter and in order to clarify, the
17 Court HEREBY ORDERS as follows:

18 (1) the operative complaint is the **third** (not second) amended complaint received by
19 the Court on August 24, 2012 (docket no. 35), which shall be deemed filed as of
20 that date;

21 (2) Defendants' prior motion to dismiss is rendered moot by the filing of an
22 amended complaint (docket no. 18);

23 (3) Defendants' responsive pleading is due no later than 14 days after service of the
24 second amended complaint;

25 (4) Plaintiff's motion for summary judgment and attendant filings are mooted by the
26 filing of a second amended complaint (docket nos. 19 and 36);

27 (5) Plaintiff may re-notice a consolidated motion for hearing on a date available on
28 the Court's calendar and no less than 35 days out from filing of the motion;

(6) the case management conference, scheduled for September 14, 2012 at 1:30 p.m. is premature considering the state of the pleadings. Therefore, the initial case management conference is VACATED and shall be reset by further order, if necessary. This moots Defendants' motion to continue the case management conference (docket no. 30).

IT IS SO ORDERED.

Dated: September 7, 2012



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE